

## UNITED STATES DISTRICT COURT W. D. OF WASHINGTON AT TACOMA

1 UNITED STATES OF AMERICA,

2 Plaintiff,

3 v.  
4 ROSALVO VILLAVICENCIO-CHAVEZ,  
Defendant.

Case No. 06-5106M

ORDER ON MOTION FOR DETENTION  
REVIEW

5 THE COURT, having conducted a detention review at the request of the defense. The court finds that no condition or  
6 combination of conditions which defendant can meet will reasonably assure the appearance of the defendant as required and/or the  
7 safety of any other person and the community.

8 This finding is based on 1) the nature and circumstances of the offense(s) charged, including whether the offense is a  
9 crime of violence or involves a narcotic drug; 2) the weight of the evidence against the person; 3) the history and characteristics of  
10 the person including those set forth in 18 U.S.C. § 3142(g)(3)(A)(B); and 4) the nature and seriousness of the danger release would  
11 impose to any person or the community.

10 *Findings of Fact/ Statement of Reasons for Detention*11 **Presumptive Reasons/Unrebutted:**

12 ( ) Conviction of a Federal offense involving a crime of violence. 18 U.S.C. § 3142(f)(A)  
13 ( ) Potential maximum sentence of life imprisonment or death. 18 U.S.C. § 3142(f)(B)  
14 (X) Potential maximum sentence of 10+ years as prescribed in the Controlled Substances Act (21 U.S.C. § 801 et seq.), the  
15 Controlled Substances Import and Export Act (21 U.S.C. § 951 et seq.) Or the Maritime Drug Law Enforcement Act (46  
16 U.S.C. App. 1901 et seq.)  
17 ( ) Convictions of two or more offenses described in subparagraphs (A) through (C) of 18 U.S.C. § 3142(f)(1) of two or more  
18 State or local offenses that would have been offenses described in said subparagraphs if a circumstance giving rise to  
19 Federal jurisdiction had existed, or a combination of such offenses.

20 **Safety Reasons:**

21 ( ) Defendant is currently on probation/supervision resulting from a prior offense.  
22 ( ) Defendant was on bond on other charges at time of alleged occurrences herein.  
23 (X) Nature and seriousness of charges.  
24 ( )

25 **Flight Risk/Appearance Reasons:**

26 (x) Defendant's lack of community ties and resources..  
27 (x) Immigration and Customs Enforcement detainer.  
28 (x) Illegally in the United States.  
29 ( ) Failures to appear for past court proceedings.  
30 ( ) Past conviction for escape.

31 *Order of Detention*

32 ▶ The defendant shall be committed to the custody of the Attorney General for confinement in a corrections facility  
33 separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal,  
34 without prejudice to review.  
35 ▶ The defendant shall be afforded reasonable opportunity for private consultation with counsel.  
36 ▶ The defendant shall on order of a court of the United States or on request of an attorney for the Government, be delivered  
37 to a United States marshal for the purpose of an appearance in connection with a court proceeding.

38 June 28, 2006.

39 s/ J. Kelley Arnold  
40 J. Kelley Arnold, U.S. Magistrate Judge